

Presentation at the First Plenary Meeting
of the Advisory Committee on Acoustic
Impacts on Marine Mammals

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*This presentation is the sole product of the
author(s) and does not reflect the view of the
Marine Mammal Commission or the Advisory
Committee on Acoustic Impacts on Marine
Mammals.*

Structure of Commission

- Three Commissioners (Presidential appointees, Senate confirmation)
- Nine-member Committee of Scientific Advisors on Marine Mammals
- Full-time staff

Duties of Commission

- Review of U.S. activities pursuant to laws and conventions relating to marine mammals
- Review all permits for scientific research
- Undertake necessary or desirable studies or cause such studies to be undertaken by others
- Recommend to federal officials actions necessary or desirable for the protection and conservation of marine mammals
- Recommend to Congress and agencies measures to further the policies of the MMPA

Role of Commission

- Independent Agency within the Executive Branch/Part of Administration
- Not a regulatory agency, but an oversight agency that makes recommendations to ultimate decision-makers
- MMPA requires –
 - Agencies to respond to the Commission's recommendations within 120 days – if not adopted, a detailed explanation of the reasons is to be provided
 - Agencies to provide the Commission access to all studies and data regarding marine mammals

Development and Use of Scientific Information

- Commission funded research
- Use MMPA authority to cause research to be undertaken by others
- Review and comment on research permits
- Recommends activities through comments on authorizations
- Track research/developments by others

Authorizations

- MMPA establishes a moratorium on taking/importing marine mammals subject to several exceptions
- Is taking involved? (Harassment is the key element)
- If so, authorization is needed
 - Small take authorizations
 - Research permits

Incidental Take Authorizations

- negligible impact standard
- impact on Alaska Native subsistence
- least practicable adverse impact
- monitoring and reporting requirements
- burden of proof
 - initially on the applicant
 - secondarily on the authorizing agency

Permits

- Does the proposal further a *bona fide* scientific purpose?
- Will the taking be humane/meet Animal Welfare Act requirements?
- Compliance with other statutes

Oversight Responsibilities

- Efforts to understand the nature, magnitude, and significance of sound sources
- Adequacy of agency programs
- Ability to anticipate and respond to emerging issues
- Population monitoring

Congressional Interactions

- Recommended Legislation
 - Statutory changes
 - Funding
 - Oversight
- Implementation of Legislation